

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-20147
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ISRAEL ADAME,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-95-CR-314-4

September 22, 1999

Before JOLLY, JONES and BENAVIDES, Circuit Judges.

PER CURIAM:*

Israel Adame appeals his sentence after pleading guilty to conspiracy to possess with intent to distribute heroin and methamphetamine and distribution of heroin. Adame argues that the district court erred in failing to find that he was a minor participant entitled to a downward adjustment of his offense level under U.S.S.G. § 3B1.2(c). The Government contends that Adame is not entitled to a role reduction because he was sentenced on the basis of only the two drug transactions in which he actually participated, rather than all the transactions

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

conducted during the course of the conspiracy.

After reviewing the record and the briefs of the parties, we find no error in not treating Adame as a minor participant, as he supplied the heroin for the two drug transactions on which his sentence was based. The fact that he may have been a minor player in the larger overall conspiracy does not entitle him to a mitigating role adjustment. See United States v. Atanda, 60 F.3d 196, 199 (5th Cir. 1995) (holding that "when a sentence is based on activity in which a defendant was actually involved, § 3B1.2 does not require a reduction in the base offense level even though the defendant's activity in a larger conspiracy may have been minor or minimal") (citations omitted).

Therefore, the district court did not err, clearly or otherwise, in denying Adame's request for a mitigating role adjustment. See United States v. Flucas, 99 F.3d 177, 180-81 (5th Cir. 1996). The judgment of the district court is AFFIRMED.